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10/810,703

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Takahiro Kurosawa

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

CUTLER, ALBERT H

ART UNIT

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2622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/810,703 | Applicant(s) KUROSAWA ET AL. | |
| | Examiner ALBERT H. CUTLER | Art Unit 2622 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11,13-16,18-21 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11,13-16,18-21 and 23-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is responsive to communication filed on February 15, 2008.

Response to Arguments

2. Applicant's arguments with respect to claims 11, 13-15, 16, 18-20, 21 and 23-27 have been considered but are moot in view of the new ground(s) of rejection.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 15, 2008 has been entered.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 11, 13-15, 16, 18-20, 21 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Igarashi et al.(US 6,469,737).

Consider claim 11, Igarashi et al. teach:

A method of generating a moving picture file(See figures 3 and 6), the method including:

obtaining moving picture data taken by a camera, and information about a kind of a control of the camera corresponding to the moving picture data(See figures 3 and 6, column 4, lines 1-15, column 9, lines 49-59, column 11, line 23 through column 14, line 21. Picture data, which data can be “mpg” format, is obtained by a camera configuration along with information relating to the camera about the kind of control of the camera(See P25T0Z3, figure 3).);

determining a time point where the moving picture data is to be divided in a predetermined interval, based on the information about the kind of the control of the camera obtained at the obtaining step(See figure 6, column 10, lines 33-36, column 11, lines 24-57. A time point(i.e. image-sensing time) and a time interval can be designated for determining where the moving picture data is divided based upon the control information.);

dividing the moving picture data at the time point determined at the determining step, and generating a moving picture file from the divided moving picture data divided at the dividing step(See column 11, lines 23-57. Moving picture data is divided based upon the above-mentioned information, and such moving picture data is transmitted to a requesting external device as a file.).

Consider claim 13, and as applied to claim 11 above, Igarashi et al. further teach that the information about the kind of the control of the camera is information relating to

switching of the camera to another camera(See column 14, line 64 through column 15, line 9. A plurality of different cameras can transmit a plurality of divided image files having their own respective image-sensing conditions(i.e. their own control information).).

Consider claim 14, and as applied to claim 11 above, Igarashi et al. further teach that the information about the kind of control of the camera is information indicating that one of pan, tilt, and zoom of the camera is being processed(figure 3, column 4, lines 1-8).

Consider claim 15, and as applied to claim 11 above, Igarashi et al. further teach that the information is one of movement information indicating movement toward a pre-set position(Figure 3, column 4, lines 1-8. The pan, tilt, and zoom information indicate a pre-set position.).

Consider claim 16, Igarashi et al. teach:

An apparatus(figure 7) for generating a moving picture file, comprising:
an obtaining device(1001) for obtaining moving picture data taken by a camera(1003), and information about a kind of a control of the camera corresponding to the moving picture data(See figures 3 and 6, column 4, lines 1-15, column 9, lines 49-59, column 11, line 23 through column 14, line 21. Picture data, which data can be

“mpg” format, is obtained by a camera configuration along with information relating to the camera about the kind of control of the camera(See P25T0Z3, figure 3.);

a determining device(1001) for determining a time point where the moving picture data is to be divided in a predetermined interval, based on the information about the kind of the control of the camera obtained by the obtaining device(See figure 6, column 10, lines 33-36, column 11, lines 24-57. A time point(i.e. image-sensing time) and a time interval can be designated for determining where the moving picture data is divided based upon the control information.);

a dividing device for dividing the moving picture data at the time point determined by the determining device, and a generating device for generating a moving picture file from the divided moving picture data divided by the dividing device(See column 11, lines 23-57. Moving picture data is divided based upon the above-mentioned information, and such moving picture data is transmitted to a requesting external device as a file.).

Consider claim 18, and as applied to claim 16 above, Igarashi et al. further teach that the information about the kind of the control of the camera is information relating to switching of the camera to another camera(See column 14, line 64 through column 15, line 9. A plurality of different cameras can transmit a plurality of divided image files having their own respective image-sensing conditions(i.e. their own control information).).

Consider claim 19, and as applied to claim 16 above, Igarashi et al. further teach that the information about the kind of control of the camera is information indicating that one of pan, tilt, and zoom of the camera is being processed (figure 3, column 4, lines 1-8).

Consider claim 20, and as applied to claim 16 above, Igarashi et al. further teach that the information is one of movement information indicating movement toward a pre-set position (Figure 3, column 4, lines 1-8. The pan, tilt, and zoom information indicate a pre-set position.).

Consider claim 21, Igarashi et al. teach:

A method of generating a moving picture file (See figures 3 and 6), the method including:

obtaining moving picture data taken by a camera, and information about a kind of a control of the camera corresponding to the moving picture data (See figures 3 and 6, column 4, lines 1-15, column 9, lines 49-59, column 11, line 23 through column 14, line 21. Picture data, which data can be "mpg" format, is obtained by a camera configuration along with information relating to the camera about the kind of control of the camera (See P25T0Z3, figure 3).);

determining a time point where the moving picture data is to be divided in a predetermined interval, based on the information about the kind of the control of the camera obtained at the obtaining step (See figure 6, column 10, lines 33-36, column 11,

lines 24-57. A time point(i.e. image-sensing time) and a time interval can be designated for determining where the moving picture data is divided based upon the control information.);

dividing the moving picture data at the time point determined at the determining step, and generating a moving picture file from the divided moving picture data divided at the dividing step(See column 11, lines 23-57. Moving picture data is divided based upon the above-mentioned information, and such moving picture data is transmitted to a requesting external device as a file.).

Igarashi et al. further teach that the method can be stored as a program on a computer readable medium(column 13, line 37 through column 14, line 21).

Consider claim 23, and as applied to claim 21 above, Igarashi et al. further teach that the information about the kind of the control of the camera is information relating to switching of the camera to another camera(See column 14, line 64 through column 15, line 9. A plurality of different cameras can transmit a plurality of divided image files having their own respective image-sensing conditions(i.e. their own control information).).

Consider claim 24, and as applied to claim 21 above, Igarashi et al. further teach that the information about the kind of control of the camera is information indicating that one of pan, tilt, and zoom of the camera is being processed(figure 3, column 4, lines 1-8).

Consider claim 25, and as applied to claim 21 above, Igarashi et al. further teach that the information is one of movement information indicating movement toward a pre-set position(Figure 3, column 4, lines 1-8. The pan, tilt, and zoom information indicate a pre-set position.).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oya et al.(US 6,208,379) in view of Choi(US 5,986,695).

Consider claim 26, Oya et al. teach:

A method of generating a moving picture file (figure 35, column 17, line 21 through column 19, line 23), the method including:

obtaining moving picture data taken by a camera (S104), and information indicating that a display of the moving picture data is prohibited (S101);

determining a point where the moving picture data is to be divided in a predetermined interval, based on the information obtained at the obtaining step, the information indicating that the display of the moving picture data is prohibited (See figures 34-42, "display-not-permitted range");

dividing the moving picture data at the point determined at the determining step (See figures 34, 39 and 40-42); and

generating a moving picture file from the divided moving picture data divided at the dividing step (column 17, line 67 through column 18, line 11).

Oya et al. teach that the display-not-permitted range changes over time because the camera pans (column 17, lines 21-32).

However, Oya et al. do not explicitly teach dividing a moving picture and generating a moving picture file based on a time point of a display-not-permitted range.

Choi similarly teaches of a surveillance system (column 1, lines 16-21). Choi teaches that images obtained from cameras in the surveillance system can be recorded on a disk (column 3, lines 20-28).

However, Choi teaches that captured images are overwritten when captured at time points wherein the current scene viewed by the camera produces unnecessary image data (column 6, lines 18-37). That is, Choi teaches that the image file is divided

to only include necessary image data, which image data is captured based upon a determined time point.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to divide the moving image file containing information indicating that the display of moving picture data is prohibited taught by Oya et al. based on a time point as taught by Choi for the benefit of conserving space in memory while still capturing useful image data(Choi, column 6, lines 33-37).

Consider claim 27, Oya et al. teach:

A computer readable medium which stores a program(column 20, lines 25-28) for executing a method of generating a moving picture file(figure 35, column 17, line 21 through column 19, line 23), the method including:

obtaining moving picture data taken by a camera(S104), and information indicating that a display of the moving picture data is prohibited(S101);

determining a point where the moving picture data is to be divided in a predetermined interval, based on the information obtained at the obtaining step, the information indicating that the display of the moving picture data is prohibited(See figures 34-42, "display-not-permitted range");

dividing the moving picture data at the point determined at the determining step(See figures 34, 39 and 40-42); and

generating a moving picture file from the divided moving picture data divided at the dividing step(column 17, line 67 through column 18, line 11).

Oya et al. teach that the display-not-permitted range changes over time because the camera pans(column 17, lines 21-32).

However, Oya et al. do not explicitly teach dividing a moving picture and generating a moving picture file based on a time point of a display-not-permitted range.

Choi similarly teaches of a surveillance system(column 1, lines 16-21). Choi teaches that images obtained from cameras in the surveillance system can be recorded on a disk(column 3, lines 20-28).

However, Choi teaches that captured images are overwritten when captured at time points wherein the current scene viewed by the camera produces unnecessary image data(column 6, lines 18-37). That is, Choi teaches that the image file is divided to only include necessary image data, which image data is captured based upon a determined time point.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to divide the moving image file containing information indicating that the display of moving picture data is prohibited taught by Oya et al. based on a time point as taught by Choi for the benefit of conserving space in memory while still capturing useful image data(Choi, column 6, lines 33-37).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2622

10. Hunter(US 6,738,572) teaches of disabling camera functions when the camera is in a prohibited area(see abstract, columns 4 and 5).

11. Suzuki(US 7,046,273) teaches dividing an image file(see figure 7) based upon the switching to different cameras(column 10, lines 22-40).

12. Any objections made by the Examiner to the claims are hereby removed in view of Applicant's response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALBERT H. CUTLER whose telephone number is (571)270-1460. The examiner can normally be reached on Mon-Thu (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571)-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

/Ngoc-Yen T. VU/

Supervisory Patent Examiner, Art Unit 2622